

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

v.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants

Case No. 10-0189-CV-W-ODS

**PLAINTIFFS' NOTICE REGARDING
EXHIBIT ATTACHMENT**

Exhibits A through X, which are attachments to Plaintiffs' *Suggestions in Opposition to Defendants' Motion to Decertify the Class*, are voluminous and are being filed with the Court in paper format only. The paper copies of the exhibits are being maintained in the case file in the Clerk's office. An Index of Exhibits A through X is attached hereto.

In addition, Exhibits A, B, D, E, G, H, I, J, L, and M are being filed under seal pursuant to the Protective Order entered in this case.

Plaintiffs will produce electronic copies of Exhibits A through X to all counsel of record via SendThisFile.

Dated: June 15, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By: /s/ Kip D. Richards

R. Frederick Walters – Mo. Bar 25069
Kip D. Richards – Mo. Bar 39743
David M. Skeens – Mo. Bar 35728
Karen W. Renwick – Mo. Bar 41271
J. Michael Vaughan Mo. – Bar 24989
Garrett M. Hodes – Mo. Bar 50221
Matthew R. Crimmins – Mo. Bar 53138
Bruce V. Nguyen – Mo. Bar 52893
2500 City Center Square
1100 Main Street
P.O. Box 26188
Kansas City, MO 64196
(816) 421-6620
(816) 421-4747 (Facsimile)
fwalters@wbsvlaw.com
krichards@wbsvlaw.com
dskeens@wbsvlaw.com
krenwick@wbsvlaw.com
mvaughan@wbsvlaw.com
ghodes@wbsvlaw.com
mcrimmins@wbsvlaw.com
bnguyen@wbsvlaw.com

**ATTORNEYS FOR PLAINTIFFS
AND CLASS COUNSEL**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 15th day of June 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

Arthur E. Kechijian, Manager
United Mortgage C.B., LLC
P.O. Box 471827
Charlotte, NC 28247
Defendant United Mortgage C.B., L.L.C.

/s/ Kip D. Richards

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- A-2 Loan Schedule of PCC Missouri Loans Subject to Settlement
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B Affidavit of Paige L. Burks

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Ex. R: Memorandum and Order (4/29/02) *Dunden, et al. v. FirstPlus Bank, et al.* (Illinois)

Ex. S: Depo of Lois Harris (7/19/02)

Ex. T: Order Granting Non-Loan Originating Defendants' Motion for Summary Judgment (8/29/02) – *Easter, et al. v. American Wet Financial*

Ex. U: Solicitation Letter – Coalition for Mortgage Reform

Ex. V: Solicitation Letter – 5/10/01 – WBSV to Varns

Ex. W: Depo of Raye Ann Varns (7/29/02)

Ex. X: Federal Truth In Lending Disclosure Statement (Gilmor)

C-3 U.S. Bank National Association ND's Suggestions in Opposition to Plaintiffs' Motion for Class Certification

- Ex. 1: Copies of Plaintiff's damages summaries and interrogatory answers of the named plaintiffs
- Ex. 2: Richard Solum Affidavit
- Ex. 3A: Michael Gilmor depo
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- Ex. 8: Transcript of argument Aug. 21, 2002, *Baker v. Century Fin., et al.*, Case No. CV100-4294CC
- Ex. 9: Diana Voigt Depo. at 39-40. (Ex. 9)
- Ex. 10: Gilmors' Settlement Statement, dated 10/3/97
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C-4 Plaintiffs' Reply Suggestions in Support of Motion for Order Determining that this Action Shall be Maintained as Plaintiffs' Class Action

- Ex. 1: Order Certifying Plaintiff Class, in *Couch v. SMC Lending, Inc., et al.*, Case No. CV100-4332 CC, in the Circuit Court of Clay County, Missouri.
- Ex. 2: Order Certifying Plaintiff Class, in *McLean v. First Horizon Home Loan, et al.*, Case No 00-CV-228530, in the Circuit Court of Jackson County, Missouri.
- Ex. 3: Ted & Raye Ann Varns Settlement Statement, Note & Deed of Trust, including Note from other borrower.
- Ex. 4: Chart of Missouri Borrowers Identified by County Search including HUD-1 statements.
- Ex. 5: Summary of Monetary Damages of Michael & Shellie Gilmor
- Ex. 6: Form 10-Q – September 30, 2002 of US Bankcorp
- Ex. 7: Impac Secured Assets Corp – Prospectus Supplement for 1998-1
- Ex. 8: Article from City Business dated January 5, 2001 “NJK Wins a \$46.5 M Judgment”.

- Ex. 9: Article from 02.03.99 edition of National Mortgage News re: “Preferred Sold”
- Ex. 10: Partial Transcript of Couch v. SMC Certification Hearing regarding “Certification”
- Ex. 11: Missouri Division of Finance Web Site Information
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- Ex. 19: Wendover Loan Activity of Michael & Shellie Gilmor from 12/08/00 to 07/26/01 from Wendover Web Site.
- Ex. 20: Letter from Janice Stanton to Brett Anders dated 12/23/02 regarding Gilmors’ Bankruptcy
- Ex. 21: Signature Statement – of Varns, Gilmor and Harris
- Ex. 22: Deposition Excerpts of Ted Varns
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- Ex. 29: Deposition Excerpts of Brian Thomas

D Discovery Responses of Impac Funding Corporation and Documents Produced

- D-1: Supplemental Responses of Defendant Impac Funding Corporation to Plaintiffs’ First Set of Interrogatories, dated April 1, 2011;
- D-2: Asset Purchase and Mortgage Loan Purchase and Sale Agreement Servicing Released between ICI Funding Corporation, as Purchaser, and Preferred Credit Corporation, as Seller, dated as of August 11, 1997 (produced by Impac Defendants – Depo Ex. 94);

E Discovery Responses of the Impac Funding Corporation and Documents Produced

- E-1: Supplemental Responses of Defendant Impac Funding Corporation to Plaintiffs’ Interrogatories and Requests for Production of Documents, dated September 27, 2011;
- E-2: Excel Spreadsheet attached to E-1 as Exhibit 1 (produced by Impac Defendants – Depo. Ex. 114)

- F Discovery Responses of the Impac Defendants (IFC, IMH, ISAC, IMHAC) to Plaintiffs' First Request for Admissions, dated April 17, 2012 and April 25, 2012;
- G Annual Reports
- G-1 Impac Mortgage Holdings, Inc.'s Annual Report (10K) for 1997 (excerpts) (obtained by Plaintiffs by performing an online search using SECfilings.com);
 - G-2 Impac Mortgage Holdings, Inc.'s Annual Report (10K) for 1998 (excerpts) (obtained by Plaintiffs by performing an online search using SECfilings.com);
 - G-3 Impac Mortgage Holdings, Inc.'s Annual Report (10K) for 1999 (excerpts) (obtained by Plaintiffs by performing an online search using SECfilings.com);
 - G-4 Impac Mortgage Holdings, Inc.'s Annual Report (10K) for 2000 (excerpts) (obtained by Plaintiffs by performing an online search using SECfilings.com);
 - G-5 Impac Mortgage Holdings, Inc.'s Annual Report (10K) for 2001 (excerpts) (obtained by Plaintiffs by performing an online search using SECfilings.com);
 - G-6 Cross Receipt obtained from the 1998-1 Impac Trust Closing Documents (produced by Impac Defendants – Depo. Ex. 283);
 - G-7 Cross Receipt obtained from the 1999-1 Impac Trust Closing Documents (produced by Impac Defendants – Depo. Ex. 282)
- H Prospectus Supplements for the Impac Trusts
- H-1: Prospectus Supplement dated March 27, 1998 for Impac Secured Assets CMN Trust Series 1998-1 (produced by Impac Defendants - Depo. Ex. 95);
 - H-2: Prospectus Supplement dated February 23, 1999 for Impac CMB Trust Series 1999-1 (produced by Impac Defendants - Depo. Ex. 112);
 - H-3: Prospectus Supplement dated June 24, 1999 for Impac CMB Trust Series 1999-2 (produced by Impac Defendants);
 - H-4: Prospectus Supplement dated January 25, 2000 for Impac CMB Trust Series 2000-1 (produced by Impac Defendants);
 - H-5: Prospectus Supplement dated November 21, 2000 for Impac CMB Trust Series 2000-2 (produced by Impac Defendants – Depo. Ex. 113);
 - H-6: Prospectus Supplement dated December 17, 2001 for Impac CMB Trust Series 2001-4 (produced by Impac Defendants);
 - H-7: Prospectus Supplement dated February 25, 2002 for Impac CMB Trust Series 2002-1 (produced by Impac Defendants);
 - H-8: Prospectus Supplement dated April 25, 2003 for Impac CMB Trust Series 2003-5 (produced by Impac Defendants);
 - H-9: Prospectus Supplement dated March 30, 2005 for Impac CMB Trust Series 2005-3 (obtained by Plaintiffs by performing an online search using SECfilings.com);
 - H-10: Offering Circular Supplement dated September 26, 2006 for Impac Real Estate Asset Trust 2006-SD1 (produced by Defendant Deutsche Bank National Trust Company);

I Sub-Servicing Agreements:

- I-1: Sub-Servicing Agreement between Impac Funding Corporation and Advanta Mortgage Corp USA dated March 1, 1998 (produced by Impac Defendants – Depo. Ex. 124);
- I-2: Sub-Servicing Agreement between Imperial Credit Mortgage Holdings, Inc., Imperial Warehouse Lending Group, Inc. and ICI Funding Corporation and Wendover Funding, Inc. dated June 25, 1996 (produced by Impac Defendants – Depo. Ex. 122) and various amendments thereto (produced by Impac Defendants – Depo. Ex. 123);
- I-3: Sub-Servicing Agreement between Imperial Credit Industries, Inc. and Wendover Funding, Inc. dated July 31, 1996 (produced by Defendant Wendover Financial – Depo. Ex. 315);
- I-4: Sub-Servicing Agreement between Countrywide Home Loans Servicing LP and Impac Funding Corporation and Novelle Financial Services dated August 8, 2003 (produced by Impac Defendants – Depo. Ex. 120)
- I-5: Amended and Restated Servicing Rights Purchase and Sale Agreement By and Between Countrywide Home Loans Servicing, LP, as Purchaser, and Impac Funding Corporation, as Seller, dated as of March 1, 2002 (produced by Impac Defendants – Depo. Ex. 121)

J Other Prospectus Supplements

- J-1: Prospectus Supplement dated March 10, 1997 for Preferred Credit Asset-Backed Certificates, Series 1997-1 (produced by Defendant CSFB)
- J-2: Prospectus Supplement dated January 30, 1998 for FirstPlus Financial, Inc. (produced by Defendants in other related cases)

K Motion to Reopen Chapter 7 Case, *In re Michael Paul Gilmor and Shellie Lynne Gilmor*, Case No. 98-43796jwv, Ch. 7

L Deposition excerpts of the Deposition of James Kennedy Woodward, May 30, 2012

M Deposition excerpts of the Deposition of Kathleen Ann Woodward, May 30, 2012

N Order denying summary judgment relating to class members who filed Chapter 7 Bankruptcy, *Mitchell, et al. v. Residential Funding Corp., et al.*, Case No. 03CV220489, Div. 4, dated November 26, 2007

O Affidavit of Bruce V. Nguyen

P Order Certifying Plaintiff Class, *Couch v. SMC Lending, Inc., et al.* (Case No. CV100-4332, Clay County)

- Q Order Certifying Plaintiff Class, *Baker v. Century Financial Group, Inc., et al.*, (Case No. CV100-4294, Clay County)
- R Order Certifying Plaintiff Class, *McLean v. First Horizon Home Loan Corp.*, (Case No. 00-CV-228530, Jackson County)
- S Order Certifying Plaintiff Class, *Mitchell v. Residential Funding Corporation, et al.*, (Case No. 03CV220489, Jackson County)
- T Order Certifying Plaintiff Class, *Schwartz v. Bann-Cor Mortgage, et al.* (Case No. 00CV226639, Jackson County)
- U Order Granting Plaintiffs' Renewed Motion for Order Determining That This Action May Be Maintained As A Plaintiffs' Class Action, *Beaver v. U.S. Bank, N.A.*, (Case No. 00CV215097-01, Jackson County)
- V Amended Order Granting Motion for Order Determining That This Action May Be Maintained As A Plaintiffs' Class Action, *Hall v. American West Financial, et al.*, (Case No. 00CV218553-01, Jackson County)
- W Amended Order Granting Motion for Order Determining That This Action May Be Maintained As A Plaintiffs' Class Action, *Smith v. Premier Associates Mortgage Co.*, (Case No. 01CV201263, Jackson County)
- X Order (adopting Special Master's Report of May 11, 2009 regarding class certification), *Beaver v. U.S. Bank Trust, N.A.*, (Case No. 03CV213643, Jackson County)